

REMARKS

Applicants have submitted a Petition to Withdraw from Issue under 37 CFR 1.313(a). Applicants seek to reopen prosecution in order to rejoin claims drawn to methods previously cancelled in the Amendment filed June 27, 2001, and to clarify the scope of the subject matter searched, and the breadth of the allowed composition claim.

I. Amendments

Claims 1, 5, 6, and 7 are previously presented and were allowed in the Office communication mailed March 8, 2006. Claims 19-31 are newly added. Claims 8-18 stand cancelled.

II. Interview Summary in accord with MPEP § 713.04

Applicants thank the Examiner and her Supervisor for granting telephonic interviews regarding the above-referenced application on June 5-6, 2006. The participants were Examiner DiBrino (USPTO), and Gina Freschi (Applicants' representative). This written summary is submitted in accordance with MPEP §713.04.

1. No exhibits were shown or discussed.
2. Filing a petition for Withdrawal of Issue and a Supplemental Amendment containing previously claims drawn to previously cancelled subject matter was discussed.
3. Applicants noted that SEQ ID NO:2 is contained within SEQ ID NO:4. It is Applicants' position that in searching SEQ ID NO:4, the Examiner would have also searched SEQ ID NO:2. It is the Examiner's position that a search of a polypeptide does not necessarily encompass fragments thereof. It is Applicants' position that in the case of short peptides, consisting of 20 or so amino acids, such as the ones

present in the instant application, a search of a larger peptide containing a shorter peptide necessarily contains the shorter peptide. Thus, a search of SEQ ID NO:4 is coextensive with a search of SEQ ID NO:2. For this reason, Applicants seek to clarify the scope of the subject matter searched, and the breadth of the allowed composition claim.

4. Applicants also noted that where a restriction was required between a product and a process of making and/or using the product, and the product was elected and subsequently found allowable, a claim to a nonelected invention may be rejoined under MPEP § 821.04. Applicants seek to rejoin nonelected claims to methods employing the allowed product.

5. An agreement was reached that Applicants would reopen prosecution to pursue items 3 and 4 above.

III. Conclusion

In view of the foregoing, Applicants submit that the claims pending in the application are in condition for allowance. A Notice of Allowance is therefore respectfully requested.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4341.

Respectfully submitted,

Date: June 6, 2006

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